

Sponsored By: Finance and Administration Committee

FAULKNER COUNTY QUORUM COURT

ORDINANCE 94-14

BE IT ORDAINED BY THE QUORUM COURT OF THE COUNTY OF FAULKNER, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED: "THE OBLIGATION OF THE COUNTY TO BE RESPONSIBLE FOR THE MEDICAL EXPENSES OF PRISONERS WITHIN THE FAULKNER COUNTY JAIL AND THE CIRCUMSTANCES UNDER WHICH THE PRISONERS SHALL BE RESPONSIBLE FOR THEIR MEDICAL EXPENSES, FOR NOTICE THEREOF, AND FOR OTHER PURPOSES".

SECTION 1: Faulkner County recognizes and assumes its obligation to provide a safe and suitable facility for the incarceration of persons charged with criminal and traffic offenses or otherwise confined by Court Order as required by the Arkansas Constitution and by the statutes of the State and Federal Government;

SECTION 2: Faulkner County also recognizes and assumes its duty to provide immediate emergency medical treatment for any and all inmates, and further to provide access to any and all reasonable and necessary medical treatment that may be required on account of all preexisting conditions, illness or diseases as prescribed or required by a medical doctor or other qualified practitioner;

SECTION 3: Faulkner County recognizes and willingly assumes moral and legal obligation to provide medical treatment to inmates at the Faulkner County Jail or persons in custody of the Faulkner County Sheriff's Office on account of injuries or physical harm suffered as a result of the negligent or intentional acts of the law enforcement officers employed by the County and to pay all of the direct and reasonable incidental costs thereof;

SECTION 4: However, Faulkner County does not assume any responsibility for, nor will it be held liable for, the costs of medical treatment provided to inmates of the County Jail, nor persons in custody of the Faulkner County Sheriff's Office for injuries or harm inflicted by that inmate or detainee to themselves, inflicted by third parties, who are not in custody or under detention at the jail facility, or for the reasonable medical treatment needed for such persons or account of their continuing treatment for preexisting illness, injury or disease, or

for treatment, medication, or incidental medical expenses prescribed, recommended, or directed by a treating physician prior to the incarceration of the person;

SECTION 5: Faulkner County, further, does not assume any responsibility for nor will it be held liable for the costs of medical treatment provided to inmates of the County Jail nor persons in custody at the Faulkner County Sheriff's Office for injuries or harm inflicted by law enforcement officials of a municipality, or of a County, State or Federal Agency not employed by or working at the direction of the Faulkner County Sheriff's Office;

SECTION 6: The costs of all medical care or treatment referred to in sections 4 and 5 hereof shall be the sole responsibility of the inmate, detainee or other party or agency, and in the event that the health care provider should for any reason bill, charge, or make claim against Faulkner County for the access to care provided by the County Officers then the County shall initiate, maintain, and follow through any action, through courts of law or otherwise, to hold said parties liable for the costs incurred;

SECTION 7: In order to give adequate, appropriate, and proper notice of the contents of this Ordinance to all potentially affected parties, the Faulkner County Sheriff shall both post a conspicuous notice within the jail facilities for all persons to read and that all inmates shall be advised of these rights at the time of incarceration and required to sign and/or acknowledge their having been advised of and, their understanding of these rights, duties, and obligations. This same notice and/or the contents of this Ordinance shall be served upon all health care providers within the County and to all medical facilities outside the County that may be called upon from time to time to provide medical care to the inmates or detainees;

SECTION 8: Faulkner County has seen the proliferation of frivolous medical claims and allegations of injury and harm to inmates, has foreseen the potential of claims based upon injuries or harm caused by third parties or by other law enforcement officers over whom the County has no control nor responsibility, and has experienced the affects of previously ill, diseased, or injured persons expecting the County to be liable for their continued treatment while incarcerated, and has determined that protection

against these claims, that avoiding the potential insurance costs or coverage for such claims, and that the pure inequity of such claims in a good and proper reason for the enactment of this Ordinance.

DATED: <u>7-20-84</u>	DATED: <u>7-20-84</u>
ATTEST: <u>Rick Whitaker</u>	APPROVED: <u>John Wayne Carter</u>
Rick Whitaker	John Wayne Carter
Quorum Court Secretariate	Faulkner County Judge
Faulkner County, Ar	Faulkner County, Ar